

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTHONY DALE, BRETT JACKSON,
JOHNNA FOX, BENJAMIN
BORROWMAN, ANN LAMBERT,
ROBERT ANDERSON, and CHAD
HOHENBERY on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

DEUTSCHE TELEKOM AG, and T-
MOBILE US, INC.,

Defendants.

Case No. 1:22-cv-03189

Hon. Thomas M. Durkin

Hon. Jeffrey Cole

JOINT STATUS REPORT

Pursuant to this Court's May 17, 2024 Minute Entry (ECF No. 186), Plaintiffs and Defendant T-Mobile US, Inc. ("T-Mobile"), together "the parties," respectfully submit this Joint Status Report.

I. Discovery Schedule

The parties have agreed to, and the Court has entered, a close of fact discovery of November 13, 2025. ECF No. 123. The parties further agree that the deadline for substantial completion of their respective document productions should be February 28, 2025, which means they will endeavor to have produced all responsive non-privileged documents that they are able to by that date, and the vast majority of their respective productions. The parties will meet and confer regarding interim deadlines, such as a deadline for producing structured data, and will submit a proposal by June 28, 2024.

II. Discovery Progress

A. Written Discovery

Plaintiffs and T-Mobile continue to meet and confer productively on discovery. The parties have met and conferred to resolve T-Mobile's objections to Plaintiffs' First Set of Requests for Production of Documents, and Plaintiffs have offered to refine some of their requests in response to those objections. The parties hope to have all objections resolved by June 28 so that the parties can begin searching for responsive documents.

The parties have exchanged lists of proposed custodians and continue to discuss the custodians T-Mobile will use to identify documents responsive to Plaintiffs discovery requests. T-Mobile initially agreed to approximately 30 custodians and intends to agree to certain additional custodians Plaintiffs recently identified. The parties are currently discussing the approximately 30 additional potential custodians Plaintiffs have proposed. The parties are beginning conversations regarding document collection protocols.

In response to T-Mobile's First Set of Requests for Production of Documents, Plaintiffs have started rolling productions of documents. Plaintiffs have also served responses to T-Mobile's First Set of Interrogatories.

B. Protocols and Stipulations

The parties also continue working together to formalize several protocols and stipulations. On May 2, 2024, T-Mobile sent Plaintiffs redlines to a draft 502(d) order that Plaintiffs circulated on March 25, 2024, and redlines to a deposition protocol and expert stipulation that Plaintiffs proposed on February 22, 2024. The parties continue working together to resolve disagreements and hope to bring closure to these issues by June 28.

C. Pre-Merger Data and Documents Produced to Government Entities

T-Mobile has produced structured data from the states' case in the Southern District of

New York. Plaintiffs continue analyzing that data, and T-Mobile is helping Plaintiffs understand the produced data sets.

T-Mobile has not yet reproduced the custodial documents it produced in the pre-merger investigations (e.g., by the DOJ, FCC, or CPUC) and in the states' case in the Southern District of New York. T-Mobile has asked Plaintiffs to agree not to seek further document discovery from the period encompassed by T-Mobile's pre-merger investigation productions in exchange for T-Mobile reproducing the documents it produced in those pre-merger investigations. To allow Plaintiffs an opportunity to evaluate the scope of those pre-merger productions, T-Mobile has produced some document requests and correspondence from the DOJ investigations and the States' lawsuit. Plaintiffs are still analyzing those materials, and the parties plan to continue working together to resolve the scope of pre-merger productions.

D. Third Parties

Plaintiffs had initial meet and confers with AT&T, Inc., Verizon Communications Inc., and DISH Network Corporation regarding Plaintiffs' requests for production of documents to those non-parties. However, after this Court certified its November 2, 2023 Order for interlocutory appeal, AT&T, Verizon, and DISH refused to meet and confer while the Seventh Circuit considered T-Mobile's petition for leave to file an interlocutory appeal. After the Seventh Circuit denied T-Mobile's petition, Plaintiffs re-engaged with the third parties. If any of these third parties do not begin meaningfully to cooperate in responding to these subpoenas, Plaintiffs anticipate moving to compel. Plaintiffs are in the process of serving a subpoena on SoftBank with requests for production of documents.

Dated: May 24, 2024

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CERTIFICATE OF SERVICE

I, Hill Brakefield, an attorney, hereby certify that this Joint Status Report was electronically filed on May 24, 2024, and will be served electronically via the Court's ECF Notice system upon the registered parties of record.

Respectfully submitted,

/s/ Hill Brakefield

Hill Brakefield

*Interim Co-Lead Class Counsel for Plaintiffs and the
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